

## Minutes of the May 12, 2014 City Council Meeting

The meeting of the Eureka City council was called to order on May 12, 2014 at 7:00 p.m. by Mayor Miller in the councilroom of the Municipal Building with the following present: Mayor Miller, Councilmembers Bertsch, Billotto, Goehring, Obenauer, Regula, Weisbeck and Finance Officer Ottenbacher. Also present was Linda Bergman with the Northwest Blade, City Attorney Marshall Lovrien, Guy Boschee, Mike Locy with Jensen Rock and Sand, Les and Candi Walker, Mark Opp, Jeremy Hoff, Brittney Appel-Halvorson, Jennifer Schmierer, Rob and Trish Grajczyk, Chris and Kristi Gonska and Jeremy Eberhart.

A motion was made by Bertsch and seconded by Goehring to approve the agenda with the addition of the quote for Rip Rap. All voted Aye. Motion Carried.

A motion was made by Weisbeck and seconded by Regula to approve the minutes from April 14, 2014 and April 22, 2014, as presented. All voted Aye. Motion Carried.

A motion was made by Bertsch and seconded by Billotto to approve the financials as presented. All voted Aye. Motion Carried.

A motion was made by Goehring and seconded by Obenauer to approve the bills as presented. All voted Aye. Motion Carried.

### **April Financials:**

Mayor and Council - \$4,545.00, Finance Officer - \$4,947.21, Gen. Gov't. Bldgs. - \$122.50, Street - \$2,752.56, Snow Removal - \$246.51, Sanitation - \$462.21, Park - \$506.86, Library \$639.20, Water - \$1,182.90, Sewer - \$1,703.60

### **April Financials:**

**Wastewater Project:** Dame Construction, Co., Pay Est. 2 CDBG - \$131,632.89, Northeast Council of Government, Pay Request 4 CDBG - \$10,500.00  
A & B Business, shop & office supplies - \$257.71, Aberdeen Awards, misc. - \$65.00, Bank of America, shop computer - \$1,019.97, Bank of America, supplies for lifeguards - \$85.64, Bank of America, Amazon books - \$347.59, Bantz, Gosch & Cremer, attorney fees - \$2,289.86, Best Western Ramkota, code enforcement lodging - \$89.99, Boschee, Guy, travel & conference - \$142.50, Butler Machinery, parts - \$2,562.48, Cash, postage - \$71.89, CompQuest Technology, LLC, network & cable - \$418.94, Dakota Backup & Recovery, computer backup - \$130.89, Dakota Country Store, gas - \$207.49, Dakota Pump, labor for lift station - \$1,301.02, Eureka Manufacturing Co., repair trailer - \$36.75, Eureka Ready Mix, washed sand - \$720.00, Fischer's Plumbing & Heating, repair municipal roof - \$247.96, Fischer Susan, library supplies - \$47.87, Great Plains Bank, water project - \$1,694.00, Great Plains Bank, water ach - \$15.50, Hawkins, chlorine cylinder - \$5.00, Heartland Waste, san. fees March - \$4,879.20, Heartland Waste, san. fees April - \$4,932.70, JP Lumber, supplies - \$398.59, Ken's Food Fair, cleaning supplies - \$75.30, Matheson Tri-Gas, acetylene and lease agreement - \$305.50, McPherson County Auditor, police contract - \$3,500.00, McPherson County Register of Deeds, record easement - \$30.00, MARC, floor wax - \$169.07, MDU, utilities - \$4,247.35, Northwest Blade, office supply/publishing - \$429.32, Premier Equipment, shop supplies - \$126.06, SD One Call, message fees - \$51.45, Servall, cleaning supplies - \$138.48, SD Gov't. Finance Officers Assoc. finance school - \$150.00, SD Magazine, library - \$42.95, SD State Health, water samples - \$13.00, SDML, code enforcement school - \$50.00, SD Retirement, retirement - \$1,428.22, SD Dept. of Revenue, drivers license - \$135.00, SD State Treasurer, sales tax April

- \$428.28, SD Unemployment, unemployment insurance - \$72.95, Sweeney, labor SCADA system - \$1,441.25, US Postal Service, postal stamps - \$49.00, Valleytel, phone utilities - \$348.88, Vilas Pharmacy, flash drive - \$16.99, Weisbeck Construction, repair city bldg roof - \$157.10, Wellmark, health insurance - \$2,154.76

**May Financials:**

FEM, utilities - \$949.19, WEB Water, utilities - \$5,814.16, Great Plains Bank, WEB Water Revenue Bond - \$4,828.90, Great Plains Bank, payroll tax - \$4,156.55

A motion was made by Bertsch and seconded by Weisbeck to approve the 1<sup>st</sup> Reading of Ordinance 2014O-1 – Amending Water Service System/Delinquent Water Payments, changing “City police department to “a law enforcement officer.” A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

A motion was made by Obenauer and seconded by Weisbeck to table the 1<sup>st</sup> Reading of Ordinance 2014O-2/Amending Water Service System/Utility Disconnections until Sheriff Ackerman is present. All voted Aye. Motion Carried.

At 7:05, this being the time and place as advertised, a public hearing was held to open sealed bids for Bituminous and Chip Sealing. One bid was received from Jensen Rock and Sand, Inc. The quote was for 300 ton of asphalt mix for overlay patching, at \$150.00 per ton, for a total of \$45,000.00. The quote for Bituminous Mix, 300 ton of asphalt for overlay at \$45,000.00. A motion was made by Weisbeck and seconded by Regula to approve the bid as presented from Jensen Rock and Sand, Inc. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

One bid was received from Jensen Rock and Sand, Inc. for resealing of the streets. The quote was for 30,000 square yards of seal coat at \$1.32 per sq. yard for a total of \$39,660.00. The work will be completed by October 1, 2014. A motion was made by Bertsch and seconded by Billotto to approve the bid for seal coat. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

Sheriff David Ackerman introduced the new Deputy Ted Smith. Deputy Smith will be taking the reciprocity test in the near future. Deputy Smith will continue to provide a monthly police report. The Mayor welcomed Deputy Smith to the community.

Sheriff Ackerman is still looking into a viable solution to activate the emergency siren system with the newly installed fiber optics.

There was discussion on the Sheriff or Deputy delivering late payment letters to residents of delinquent utility accounts verses delivering them certified mail. City Attorney Lovrien felt that if the City continues delivering delinquent letters through the Sheriff or Deputy, then some type of documentation needs to be provided with a date and time of delivery. A motion was made by Weisbeck and seconded by Regula to table the reading of Ordinance 2014O-2 and meet with the county commissioners to discuss this issue. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

Sheriff Ackerman and Deputy Smith left the meeting.

At 7:15, this being the time and place as advertised a public hearing was held to open sealed bids for the 2006 New Holland Mower. There were no bids for the mower. The Finance Officer will advertise again and list it in the Municipal Magazine.

Steve Aldinger was present to discuss the Airport Runway Improvement Project. Bids were opened on Friday May 9, 2014, at 2:00 p.m. at the Municipal Building. Three bids were received from Bituminous Paving Inc., Duininck, Inc. and Lien Transportation Co. Bituminous Paving Inc. did not meet the bid laws with Duininck, Inc. as low bidder. The actual project cost is \$864,000.00. The City is requesting 90% Federal funds, 5% State funds and 5% Local funds. Aldinger recommended approving the contract with Duininck, Inc., contingent upon grant funding and to have the Mayor sign the grant application for funding.

A motion was made by Weisbeck and seconded by Bertsch to apply for the grant and have the Mayor sign the grant application. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

A motion to accept the bid from Duininck Inc. providing the FAA approves the grant application was made by Bertsch and seconded by Obenauer. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

A motion was made to pay the engineer contingent upon the FAA funding was made by Weisbeck and seconded by Bertsch. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried. The Mayor signed the contract. John Becker was contacted for a meeting to organize the new airport committee.

Chris Gonska asked, "How much money the airport receives from the FAA?" The City receives \$150,000 every year and can accumulate up to \$600,000 over a four year period. If the City does not use the \$150,000 in the current year's time, it can be borrowed to another City. The fuel excise tax is a revolving fund for the City. It purchases the lights and windsocks but does not pay any electrical fees.

Aldinger left the meeting.

Chris Gonska was on the agenda to discuss the bills he is still getting from Dahme Construction Co. for the work on the water break. Weisbeck told him that he should have submitted all of his bills to Duininck, Inc. and it will all be worked out through the attorney and insurance company. There was discussion on comments made at the special council meeting that was held April 22, 2014.

Leslie Walker, Jr. joined the meeting.

There was discussion on the dog ordinance. A motion was made by Goehring and seconded by Weisbeck to change the current dog ordinance and the zoning book to read up to 3 dogs for homeowners, while hunting dogs can be within the City limits for 60 days before licensing them. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

There was discussion on an estimated cost to repair the alley concrete approach by the Post Office. The council decided the work should be done by a contractor for liability purposes. Gruebele will be contacted to get some quotes for the project.

Obenauer and Boschee were at the Jim Cantalope property when Dahme Construction dug the sewer. The bottom of the catch basin was rusted out and replacing the culvert would not fix the water problem. The curb and gutter will need to be replaced to get the water flowing around his property and into the lake. A motion was made by Weisbeck and seconded by Billotto to bid out the curb and gutter at the Cantalope property and get the property footage for a standard curb and gutter. All voted Aye. Motion Carried.

The ball park lease was reviewed. A motion was made by Regula and seconded by Weisbeck to eliminate the verbiage, to keep the baseball fence in good repair, from the lease. All voted Aye. Motion Carried.

Opp had some questions on why the bid for the baseball fence was changed to fur rather than green treated wood, as discussed at the public meeting? Cost was the main reason.

In 1998, Ron Brockel put in water spikets, a sewer line and separate electrical circuits to allow for camping spots at his business location for the All School Reunion. Brockel pays all taxes required by the State and would not fall under the Ordinance put in place in 2012.

Les Walker was in attendance to discuss Jake Brakes. After discussion the City Attorney Lovrien said, "The main thing you need is a witness and a signed complaint before it can be addressed by an attorney." The City will table this until June when the ordinance and fine can be put together by the City Attorney. Walker also requested to receive a call rather than a letter for any future issues with City matters.

A quote for Rip-Rap was received from Obenauer Sand, Gravel and Construction. The quote received was for 1,000 ton at \$24.20 per ton, more or less of 5" minus rock for rip-rap delivered to designated sites, with an October 1, 2014, deadline for delivery. This item was not on the agenda and will be tabled for approval at the next meeting.

A motion was made by Bertsch and seconded by Regula to adjourn the meeting with the old council and reconvene with the new council. All voted Aye. Motion Carried. The Mayor thanked everybody for their support and encouragement. The Mayor felt that during his time of service, the council was free to agree and disagree and yet work together to get things accomplished.

Mayor Miller left the meeting at 8:50 p.m.

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Lloyd L. Miller

ATTEST:

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Bobbi Ottenbacher – Finance Officer

Les and Candi Walker and Leslie Walker, Jr. all left the meeting before reconvening.

The new council reconvened with Mayor Opp at 8:59 p.m. Mayor Opp is looking forward to moving the City forward and to work in a positive way.

Oaths of office for elected officials, elected by a Municipal Election, held on April 8, 2014, were taken and signed by Mayor Opp, Councilmembers Bertsch, Billotto and Regula.

A motion to nominate Weisbeck as President of Council was made by Bertsch and seconded by Billotto. Goehring made a motion that nominations cease with a unanimous ballot cast for Weisbeck and seconded by Obenauer. All voted Aye. Motion Carried.

A motion to nominate Bertsch as Vice President of Council was made by Weisbeck and seconded by Billotto. Obenauer made a motion that nominations cease with a unanimous ballot cast for Bertsch and seconded by Goehring. All voted Aye. Motion Carried.

Mayor Opp tabled all appointed council committees until the June council meeting.

A motion to authorize auto payments each month for MDU, WEB, FEM, and payroll related bills: health insurance, retirement, postage, police contract and to pay registration for meetings prior to council approval was made by Weisbeck and seconded by Bertsch. All voted Aye. Motion Carried.

Public Works Director Boschee gave his report.

A storm sewer collapsed on 8<sup>th</sup> Street and F Avenue and new concrete needs to be replaced. The concrete on the corner by the Bruce Fauth home was hit by the sweeper and will need to be removed and replaced. A motion was made by Obenauer and seconded by Regula to have Weisbeck and Boschee look at it and see if they can do the work and if it is too time consuming, the City will have to look at a different option. All voted Aye. Motion Carried.

Boschee is still working with Helms on the control panel and is waiting for a reply. Dakota Pump will not take the panel back.

Dahme Construction, Co. placed a required silt fence down by the lake and the wind has blown it into the lake. The City is being billed for this fence and it is not currently doing the job it was designed for. Helms will be contacted in regards to this.

Boschee and Duquette are currently taking the ballpark fence down.

The cost to fix Walnut Road and the future costs to maintain it was discussed. Obenauer will look at getting some information on spraying the road with chloride for the next meeting. Mayor Opp will visit with the Grants Program Engineer in regards to Community Access Grant.

The pickup that the City is looking at under the EII Grant will need a flat bed built for it. Eureka Manufacturing will be contacted to see if they can do the work needed for the flatbed.

Interstate Engineering did an inspection on the dike at the west lake and they will submit it to Hagan Insurance. The spillway and the culvert are not currently maintaining the level of the lake. There is seepage underneath and at the center of the road.

Weisbeck told Boschee that the manhole on 9<sup>th</sup> Street and B Avenue will need to be brought up to street level.

The catch basin by the Bieber home and the Stan Stabler home are plugged and Boschee was asked to look at them.

Mayor Opp read a letter of resignation from Boschee as the code enforcement officer. The Council will look at the City's options. This was tabled until the June meeting.

Public Works Director Boschee left the meeting.

A motion was made by Weisbeck and seconded by Bertsch to approve Pay Request 3 in the amount of \$157,241.40 from CDBG funding for Dahme Construction Co. All voted Aye. Motion Carried.

A motion was made by Billotto and seconded by Goehring to approve Pay Request 11 in the amount of \$31,836.30 from SRF funding for Helms and Associates, Inc. All voted Aye. Motion Carried.

A public hearing was held to approve the Malt Beverage License Renewals. No one appeared before the council. A motion was made by Weisbeck and seconded by Goehring to approve the Malt Beverage License Renewals from the following. All voted Aye. Motion Carried.

Ken's Food Fair	702 7 <sup>th</sup> Street Eureka, SD	Retail (on/off sale) Malt Beverage License
Eureka Municipal Golf Course	602 B Ave Eureka, SD	Retail (on/off sale) Malt Beverage License
Prime Time Bar & Restaurant	719 7 <sup>th</sup> Street Eureka, SD	Package (off-sale) Malt Beverage License

Trish Grajczyk is part of the young Ambassadors Group and was present to get permission and discuss the guidelines for the planning of a street dance, in July of 2015. Insurance for the dance cannot go through the Chamber; they will need a separate license for the event. A temporary malt beverage license would need to be requested for a specific location and security would be needed.

Gonska brought before the council the idea of televising the council meetings. After discussion on pros and cons, the council felt this needed to be tabled until the next meeting.

Brittany Appel-Halvorson asked for permission to do Laser Tag at the park on July 26, 2014. The company with the laser tag carries a certificate of insurance for liability under their contract. Halvorson will need electricity and a 75' x 100' area to hold the event. The City will need to provide a contract to Halvorson to allow them to use the space needed for the Laser Tag.

Rob and Trish Grajczyk, Chris and Kristi Gonska, Brittany Appel-Halvorson, Jeremy Hoff and Jennifer Schmierer left the meeting.

There was discussion on the new airport board and getting an ordinance put together. City Attorney Lovrien will sit down with Mayor Opp and Bertsch and go over what is needed before the next council meeting, to put an ordinance together.

A motion was made by Bertsch and seconded by Billotto to approve the blocking of the streets for the Chamber Rummage Sale. All voted Aye. Motion Carried.

A motion was made by Regula and seconded by Billotto to approve the Thrift Store Raffle Fundraiser. All voted Aye. Motion Carried.

A motion was made by Regula and seconded by Obenauer to approve the Building Permits for David Crosby, Johnny & Renee Schwingler, Todd & Priscilla Hieb, Lapp Brothers and Don Gab. All voted Aye. Motion Carried.

A motion was made by Regula and seconded by Billotto to approve the 5K Color run on July 4, 2014. All voted Aye. Motion Carried.

A motion was made by Obenauer and seconded by Weisbeck to adjourn at 10:42 p.m. All voted Aye. Motion Carried.

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Mayor – Mark W. Opp

ATTEST:

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Bobbi Ottenbacher – Finance Officer